

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v David Michael Lindley**
Docket No. **267054**
L.C. No. **04-014390-FH**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The delayed application for leave to appeal is DISMISSED for lack of jurisdiction because the application was not filed within 12-months of the judgment of sentence as required by MCR 7.205(F)(3) and neither exception found in MCR 7.205(F)(4) was satisfied. The first exception was not satisfied because the application was not filed within 21 days of the order denying the motion for resentencing. The second exception was not satisfied because condition (b) was not fulfilled because the transcript of the September 22, 2005 hearing was not ordered within 28 days of the September 30, 2004 order appointing appellate counsel.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 04 2006

Date

Sandra Schultz Mengel
Chief Clerk